

HON'BLE SRI JUSTICE S. RAVI KUMAR

TRANSFER C.M.P. No. 159 of 2016

ORDER:

This petition is filed to transfer O.P.No.773 of 2014 from the file of Additional Family Court, City Civil Court, Hyderabad, to XVI Additional District Court-cum-Family Court, Malkajgiri, Ranga Reddy District, where O.P.No.1650 of 2014 filed by respondent herein is pending.

2. Husband filed this petition. According to his affidavit, his marriage with respondent was performed on 15.11.2007 as per Hindu rites and custom at Malkajgiri, Hyderabad and due to quarrels and disputes both are living separately. He stated that he filed O.P.No.1602 of 2013 before Family Court, Chennai, and thereafter respondent herein filed M.C.No.157 of 2013 before XVI Additional District Judge-cum-Family Court, Malkajgiri, Ranga Reddy District. He further stated that O.P.No.1602 of 2013 filed by him before Family Court, Chennai, was transferred to Additional Family Court, City Civil Court, Hyderabad, on the application filed by respondent herein and that was renumbered as O.P.No.773 of 2014. He further stated that O.P. filed by respondent before Ranga Reddy Court and O.P. filed by him pending before Additional Family Court, Hyderabad, have to be tried by one Court to avoid conflicting decisions as the evidence to

be adduced in both the matters is one and the same.

3. Respondent in spite of service of notice neither appeared in person nor through any advocate.

4. Heard advocate for petitioner.

5. I have perused the material papers. Admittedly O.P. pending before Additional Family Court, Hyderabad, is the petition filed earlier in point of time and the petition pending before Ranga Reddy Court is filed subsequently.

As per Section 21-A (2)(b) of Hindu Marriage Act, 1955, if the petitions are presented to different courts, the petition presented later shall be transferred to the Court in which the earlier petition was presented and both the petitions shall be heard and disposed of together by the court in which the earlier petition was presented. Here from the affidavit of petitioner, O.P.No.773 of 2014 which is now pending before Additional Family Court, Hyderabad, is originally filed in the year 2013 before Family Court, Chennai, by virtue of transfer it is now pending before Additional Family Court, Hyderabad. Therefore, in view of Section 21-A (2)(b) of H.M.Act, O.P. pending before Family Court, Malkajgiri, has to be withdrawn and transferred to Additional Family Court, Hyderabad, for disposal in accordance with law. Admittedly, O.P. filed by husband was withdrawn from Family Court, Chennai, and transferred to Additional Family Court, Hyderabad, only on the request of wife.

6. For these reasons, O.P.No.1650 of 2014 is

withdrawn from XVI Additional District Judge-cum-Family Court, Malkajgiri, Ranga Reddy District, and transferred to Additional Family Court, City Civil Court, Hyderabad, to be tried along with O.P.No.773 of 2014.

7. Accordingly, this transfer C.M.P. is ordered.

8. Miscellaneous petitions pending, if any, shall stand closed.

S. RAVI KUMAR, J

19th July 2016.

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